

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner of Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

*G / Lee author.
Letter
E. Willis
1-31-02*

11017 U.S. PTO
09/973073
10/01/01

TRANSMITTAL FOR A NEWLY EXECUTED ORIGINAL APPLICATION
UNDER 37 C.F.R. §1.53(b)

This is a request for filing a patent application under 37 C.F.R. §1.53(b) for:

Inventors: Yasuhisa ABE, Takashi SUZUKI, Koji MATSUMOTO and Koji TAKAYUAMA

For: APEAKER DIAPHRAGM

1. This is a new ☒ Utility ☐ Design ☐ Plant patent application.

2. The papers enclosed to obtain a filing date are as follows:

| | |
|----------|---|
| <u>9</u> | Pages of Specification including |
| <u>0</u> | Title Page |
| <u>1</u> | Page of Claims |
| <u>1</u> | Page of Abstract |
| <u>2</u> | Sheets of drawings containing <u>13</u> Figures |

☐ The enclosed drawings are photographs, and there is also attached a
PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)

3. Combined Declaration and Power of Attorney

☐ Enclosed and is executed by all inventors
☒ Not Enclosed.

This application is being filed under the provisions of 37 C.F.R. §1.53(f).
Applicant(s) await notification from the Patent and Trademark Office of
the time set for filing the Declaration and paying the filing fees.

4. Language

- ☒ English
☐ Non-English

This application is being filed in accordance with 37 C.F.R. §1.52(d) and §608.01 of the MPEP. Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the verified English translation and the processing fee.

5. Assignment

- ☐ An assignment of the invention to _____ and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.
- ☒ An assignment will be filed at a later date.

6. Priority - foreign applications under 35 U.S.C. §119(a)-(d) or §365(b) or PCT international applications under 35 U.S.C. §365(a) designating at least one country other than the U.S.

☒ Priority of the following foreign application is claimed:

| Country | Application No. | Filed |
|---------|-----------------|------------------|
| Japan | 2000-322787 | October 23, 2000 |

Certified copy: ☐ is attached. ☒ will follow.

7. Priority based on provisional application(s) - 35 U.S.C. §119(e)

☐ Priority of the following provisional application(s) is claimed:

| Application No. | Filed |
|-----------------|-------|
| | |
| | |

A. Relate Back - 35 U.S.C. §119(e)

- ☐ Amend the specification by inserting before the first line the sentence:
"This application claims priority of copending provisional application(s)
No. _____ filed on _____."

8. Small entity status

☐ Small entity status under 37 C.F.R. §1.27 is asserted for the present application.

9. Fee Calculation (37 C.F.R. §1.16)

| | Number Filed | Number Extra | at Rate of | Basic Fee Utility \$740.00 Design \$330.00 |
|--|--------------|--------------|------------------|--|
| | | | Basic Filing Fee | \$740.00 |
| Total Claims (37 C.F.R. §1.16(c)) | 5 - 20 = | 0 | 18.00 | \$0.00 |
| Independent Claims (37 C.F.R. §1.16(b)) | 1 - 3 = | 0 | 84.00 | \$0.00 |
| Multiple dependent claim(s), if any (37 C.F.R. §1.16(d)) | | | 280.00 | |
| SUB-TOTAL = | | | | \$740.00 |
| Reduction by 1/2 for filing by a small entity | | | | |
| TOTAL FILING FEE = | | | | \$740.00 |

10. Fee Payment

☒ Not Enclosed. **NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. §1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

☐ Enclosed.

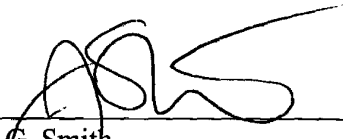
A check in the amount of \$0.00 representing the basic filing fee of \$740.00 and an assignment recording fee of \$40.00 is enclosed

11. [X] **Except** for issue fees payable under 37 C.F.R. §1.13, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).
12. Additional papers enclosed:
- [] Preliminary Amendment
 - [] Information Disclosure Statement
 - [] Form PTO-1449, 1 document included
 - [] Declaration of Biological Deposit
 - [] Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Please accord this application an application number and filing date.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



John G. Smith
Reg. No. 33,813

Dated: October 10, 2001

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